



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**CAUSE NO. 1548 OF 2015**

**(Before Hon. Justice Hellen S. Wasilwa on 20<sup>th</sup> December, 2018)**

**JACOB MWANGANGI .....CLAIMANT**

**VERSUS**

**LAND MARK HOLDINGS LIMITED.....RESPONDENT**

**JUDGEMENT**

1. The Claimant herein filed his Memorandum of Claim on 2.9.2015 in person alleging wrongful and unfair termination of his services and failure by the Respondent to pay him his terminal dues.
2. The Claimant's case is that he was employed on 2.2.2012 by the Respondent as a casual. He was paid a daily wage of 275/=. He then served the Respondent for 3 years and 2 months and the Respondent refused to pay him his wages though he was still working. He stopped working on 28/2/2015.
3. His claim is for payment of his service pay and notice. He avers that he stopped work as Respondent kept accusing him of theft and had the police arrest him but he was never charged in Court.
4. In cross-examination, the Claimant indicated that he was never suspended. He denies ever writing a letter apologising over some documents. He denied that Appendix 3 in Respondents documents was his document as the handwriting is not his.
5. He told Court that he used to be paid every Saturday but was not paid for February 2015. His only claim is service pay and notice pay.
6. The Respondent never offered any evidence to this claim despite filing a defence in Court.
7. Since the only claim in Court is for service pay, I allow the same and award Claimant 15 days salary for each year worked =  $\frac{1}{2} \times 8250 \times 3 = 12,375/=$ .
8. Since the Claimant stopped working on his own volition as stated in evidence, he is not entitled to notice pay.
9. The Respondent will pay costs of this suit plus interest at Court rates with effect from the date of this judgement.

Dated and delivered in open Court this 20<sup>th</sup> day of December, 2018.

**HON. LADY JUSTICE HELLEN WASILWA**

**JUDGE**

**In the presence of**

Mukeli holding brief Magu for Respondent

Claimant – Present